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Promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict**

Summary

The present report gives an overview of the agenda for war-affected children, highlights the progress that has been achieved and identifies the principal elements of the "era of application" campaign for the enforcement of existing international child protection norms and standards on the ground.

Collaborative efforts over the past several years have resulted in advances on the agenda for war-affected children. Yet, in spite of the tangible progress that has been made, the situation for children in situations of conflict remains grave and unacceptable. This has prompted the call of the Special Representative for a vigorous campaign to ensure the enforcement of international norms and standards for the protection of the rights of war-affected children. The key elements of the "era of application" campaign include the review, naming and listing of parties committing grave child rights violations; the initiation of dialogue with offending parties leading to the preparation and implementation of action plans to halt grave abuses; the implementation of a monitoring and reporting mechanism on grave child rights violations; and ensuring accountability through concrete action by key policymaking bodies and entities, such as the General Assembly.

The report concludes that a higher level of commitment and more effective collaboration by all parties concerned will be required to achieve the "era of application". In this regard, the Special Representative will continue to advocate and build awareness in the international community to ensure the continuation of concerted action on behalf of children affected by armed conflict.

* A/60/150.

** The delay in the submission of the present report is due to a serious shortage of staff in the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 51/77 of 12 December 1996, by which the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict was created and the request made for the submission of an annual report from the Special Representative. The Assembly has since extended the mandate twice, most recently by resolution 57/190 of 18 December 2002.

2. Member States have the primary obligation for the enforcement of international human rights standards, especially for the protection of the most vulnerable — the children affected by armed conflict. The Special Representative has therefore called on Member States to endorse the "era of application" campaign for the enforcement of international norms and standards for the protection of the rights of war-affected children and has made this a specific priority of the advocacy agenda of the Office. This call has now been endorsed on several occasions by the Secretary-General, the General Assembly and the Security Council.

3. A turning point in the "era of application" campaign was reached in February 2005 when the Secretary-General issued his annual report on children and armed conflict (A/59/695-S/2005/72), in which he proposed a formal, structured and detailed compliance regime to protect war-affected children. The Secretary-General's package includes a rigorous mechanism to monitor and report the gravest violations of children's rights. In response, the Security Council, in its resolution 1612 (2005), adopted on 26 July 2005, requested the immediate implementation of the mechanism and decided to establish its own working group on children and armed conflict to review the reports of the mechanism and to recommend appropriate action to the Council.

4. These major events in the "era of application" campaign mark the beginning of a new and critical phase in the advocacy of the Office of the Special Representative, moving towards the enforcement of protective instruments and standards. In this respect, the present report gives an overview of the agenda for war-affected children, highlights the progress that has been achieved and identifies the principal elements of the "era of application" campaign, including the central components of the monitoring and compliance regime for war-affected children.

II. Overview of the situation of children affected by armed conflict

5. There are currently more than 30 situations of concern where the rights of children are being violated. In the last decade, two million children have been killed in situations of armed conflict, while six million children have been permanently disabled or injured. Over 250,000 children continue to be exploited as child soldiers and tens of thousands of girls are being subjected to rape and other forms of sexual violence. Abductions are becoming more systematic and widespread. Since 2003, over 14 million children have been forcibly displaced within and outside their home countries and between 8,000 and 10,000 children are killed or maimed every year as a result of landmines.

6. The 2005 annual report of the Secretary-General on children and armed conflict documented grave violations against children in 11 situations of concern, namely in Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Somalia, the Sudan, Colombia, Myanmar, Nepal, the Philippines, Sri Lanka and Uganda. Altogether there are 54 offending parties, both insurgents and Governments, specifically named and listed in the report. The report focused on six grave violations that are being systematically committed against children in situations of armed conflict: killing or maiming of children; the recruitment or use of child soldiers; attacks against schools or hospitals; rape or other grave sexual violence against children; abduction of children; and denial of humanitarian access for children.

7. In his report, the Secretary-General also indicated that the situation of children living in situations of armed conflict had improved considerably since the 2004 review in several locations, including in Afghanistan, Angola, the Balkans, Ethiopia, Eritrea, Liberia, Sierra Leone and Timor-Leste. Compared with the lists in the 2004 report of the Secretary-General (A/58/546-S/2003/1053 and Corr.1 and 2, annexes I and II), eight parties were dropped because of change of conduct; six offending parties were added in 2005, mainly due to improved information gathering; and three parties were dropped for lack of verifiable information.

8. It is important to reiterate that the monitoring lists in the Secretary-General's annual report do not name States or countries as such, but identify the particular offending parties, whether Governments or insurgents, that are responsible for specific grave violations of the rights of children. The names of countries are mentioned only to indicate the geographic location where the violations are being committed and the mention or discussion of any particular State or situation should not be construed as a legal determination that there exists a situation of "armed conflict" within the meaning of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto.

III. Progress achieved since the inception of the mandate

9. Collaborative efforts over the last eight years between the Office of the Special Representative, the United Nations Children's Fund (UNICEF) and other key United Nations entities, as well as United Nations Member States, regional organizations, non-governmental organizations (NGOs) and other civil society groups, have resulted in significant advances that have created a strong momentum for the children and armed conflict agenda. These advances are set out below.

A. Developing and strengthening norms and standards

10. Working closely with Member States, United Nations partners and NGOs, the Office of the Special Representative has focused its advocacy efforts, in particular, on the development, strengthening and promotion of norms and standards for the protection of children. Over the past several years, an extensive array of protective standards and instruments have been developed and consolidated. This includes the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (resolution 54/263, annex I), which sets an age-limit of 18 years for compulsory recruitment and participation in

hostilities, a minimum age of 15 years for voluntary recruitment for State parties and an age-limit of 18 for non-State actors. The Special Representative continues to advocate with Member States for the ratification of the Optional Protocol in order to give the instrument the broadest possible legitimacy and force.

11. Under the Rome Statute of the International Criminal Court, the Special Representative proposed three child-specific provisions, which have been classified as war crimes, namely: the conscription, enlistment or use in hostilities of children younger than 15 years; intentional attacks on hospitals and schools; and grave acts of sexual violence. In addition, the forcible transfer of children of a group targeted for intentional destruction constitutes genocide under the statute of the International Criminal Court.

12. Under the *International Labour Organization Convention No. 182*, the Special Representative advocated that the enlistment of children as soldiers be classified as one of the worst forms of child labour. The Convention also prohibits the forced or compulsory recruitment of children under the age of 18 for use in armed conflicts.

13. The Special Representative advocated with African Governments for the ratification of the African Charter on the Rights and Welfare of the Child. The Charter, which came into force in 1999, was the first regional treaty establishing 18 as the minimum age for all compulsory military recruitment and participation in hostilities. Since its ratification, the Office of the Special Representative has established a framework of support and collaboration with the chairperson of the body monitoring the implementation of the Charter.

14. The Office of the Special Representative has also focused attention on indigenous cultural norms that have traditionally provided protection for children in times of war. Where formal structures break down during conflict, deeply rooted traditional norms often represent an important frontline of protection for children. Examples of such practices include traditional cleansing and reconciliation ceremonies carried out in Mozambique and Sierra Leone, which have enabled many children associated with fighting forces to return to their communities. The Special Representative has promoted traditional norms as an important complement to formal international standards. The advocacy of the Special Representative has also ensured that the examination of traditional norms, values and practices has been taken up as a specific focus of the research agenda of the academic and research institutions that constitute the Research Consortium for Children and Armed Conflict.

B. Children and armed conflict: the international peace and security agenda

15. The systematic engagement of the Security Council on the issue of children and armed conflict represents a key element of the advocacy strategy of the Office of the Special Representative. With six Security Council resolutions dedicated specifically to the issue of children and armed conflict since 1999, the issue is now firmly on the agenda of the Council, where it is recognized that it presents a legitimate threat to international peace and security. These resolutions represent an important pillar in the normative protection infrastructure for children. The annual open debate of the Security Council devoted to children and armed conflict represents a regular opportunity for the Council to be briefed on the plight of war-

affected children by the Special Representative, the Executive Director of UNICEF and other relevant entities, including, on several occasions, by war-affected children themselves. The Office of the Special Representative has also facilitated direct dialogue between the Security Council and key NGOs working in the field of child protection by initiating the "Arria formula" on children and armed conflict, which has also become an annual opportunity for NGOs to informally brief the members of the Council before the open debate.

C. Incorporating children's concerns into peace negotiations and accords

16. The Office of the Special Representative continues to emphasize the critical importance of incorporating the concerns of children throughout peacemaking processes because their early inclusion significantly increases the chances of adequate attention and resources in post-conflict recovery and rehabilitation programmes. In this regard, the Special Representative makes direct démarches with United Nations and other parties mediating for peace, as well as with parties to conflict. This has included the submission of specific provisions for inclusion in peace accords. The development of such substantive guidance has often been done in consultation with UNICEF, the Department of Political Affairs, the Department of Peacekeeping Operations, other United Nations partners and NGOs.

17. Such advocacy by the Special Representative led, for the first time, to the explicit inclusion of children's concerns in the Good Friday Agreement in Northern Ireland in 1998. In Sierra Leone, the Special Representative's proposals on children were included in the 1999 Lomé Peace Agreement. In 2000, working with Julius Nyerere of the United Republic of Tanzania, the facilitator of the Burundi peace process, the Special Representative proposed several child-specific provisions that were subsequently included in the Arusha Accords. In 2003, the Special Representative worked with the Special Representative of the Secretary-General for West Africa, with the Economic Community of West African States (ECOWAS) and with UNICEF to ensure incorporation of the protection and rehabilitation of children in the peace agreement for Liberia. In 2005, the Office of the Special Representative has worked with the United Nations Mission in the Sudan (UNMIS) to ensure that children's concerns are adequately reflected in the ongoing negotiations and in the peace agreements. The Office of the Special Representative has also made a substantive contribution to a current initiative of the Department of Political Affairs to develop a comprehensive United Nations peacemaking databank. The databank will provide guidance to United Nations peace mediators on a range of concerns, including child protection and the incorporation of children's issues in peace processes and peace agreements.

D. Deployment of child protection advisers to United Nations peacekeeping operations

18. Recognizing the critical role of United Nations peacekeeping missions in protecting children, the Security Council, in its resolutions 1379 (2002), 1460 (2003), 1539 (2004) and 1612 (2005), has endorsed the proposal made by the Special Representative for the systematic assessment of the need, number and role

of child protection advisers in preparation of each United Nations peacekeeping mission, and for their deployment to peacekeeping operations, on a case-by-case basis, in order to ensure that children receive special priority in policies, activities and programmes throughout the different phases of peacekeeping and peace consolidation. This includes the provision of training for all mission personnel on child rights and protection, as explicitly requested by the Security Council, as well as systematic reporting on children's concerns in all country-specific reports to the Council. The child protection adviser serves also as a contact point and interlocutor on issues related to children between peacekeeping operations and United Nations country teams, NGOs working to protect children, national Governments and civil society groups, supporting and complementing work, in particular the work of UNICEF, on the ground.

19. The establishment of the role of the child protection adviser has entailed close collaboration between the Office of the Special Representative, the Department of Peacekeeping Operations and UNICEF, and had resulted in the joint development of generic terms of reference for child protection advisers, the review and recruitment of candidates for these positions and the maintenance of a roster of qualified personnel for future deployment. A review of the initiative to extract lessons learned and develop best practices, requested by the Security Council, is due to be completed in early 2006.

20. Since the deployment in 2001 of the first child protection adviser to the peacekeeping mission in Sierra Leone, advisers have been included in peacekeeping operations in the Democratic Republic of the Congo, Angola, Liberia, Burundi, Côte d'Ivoire, the Sudan and Haiti.

E. Increased global awareness and advocacy on children affected by armed conflict issues

21. Extensive engagement with the general public and media outreach activities have been a central aspect of the advocacy strategy of the Office of the Special Representative. These outreach activities have brought about a significant increase in overall coverage, as well as a more sophisticated and nuanced treatment of the issue of war-affected children, particularly by the media.

22. The Special Representative has targeted radio, television, print media and online services, focusing on international sources as well as local media in conflict-affected countries. The Office of the Special Representative has also facilitated and collaborated in the production of several feature films and radio programmes such as the "Children in War" and "Child Soldiers" documentary series of the Home Box Office (HBO) channel and the "Armed and Innocent" documentary film, which has gained worldwide distribution. The Office of the Special Representative has also enlisted the active support of internationally recognized figures such as Pierce Brosnan, Robert de Niro and Michael Douglas, and has co-organized and participated in numerous international conferences to raise awareness and mobilize action.

23. The website of the Office of the Special Representative (www.un.org/children/conflict) was conceived as an important element of the public awareness and outreach campaign, designed as a resource for the general public, practitioners and

children. The site features interactive architecture, including maps, video, photographic materials and an extensive archive of documents.

F. Engaging civil society

24. In advancing the agenda for war-affected children, the Office of the Special Representative continues to place particular focus on a number of key civil society constituencies, such as NGOs, faith-based communities, academia, women's groups, children and youth.

25. NGOs have played a critical role in the development and advancement of the agenda. This includes those focused on monitoring and advocacy, such as Human Rights Watch and Amnesty International, as well as those who also engage in programme interventions and delivery on the ground such as the International Rescue Committee, World Vision and the International Save the Children Alliance. The Office of the Special Representative has supported NGO-led campaigns by the Coalition to Stop the Use of Child Soldiers, the International Action Network on Small Arms, the International Campaign to Ban Landmines and the Coalition for the International Criminal Court. The Office of the Special Representative has also engaged regularly with a number of UNICEF national committees, particularly in Germany, Japan and Spain, and has made a practice of briefing, consulting and soliciting inputs from NGOs in the preparation of the annual report of the Secretary-General on children and armed conflict.

26. The Office of the Special Representative has maintained engagement with faith-based institutions, groups and communities as a priority because of their moral authority, worldwide networks of humanitarian institutions and committed presence in conflict situations and communities. In settings where formal institutions and structures have been undermined, disrupted or destroyed by protracted conflict, faith-based institutions, groups and communities often remain a crucial force of social cohesion. As such, communities of faith play a critical role as a frontline of protection for children both in times of war and during post-conflict rehabilitation. Religious leaders and authorities have also played an important role in bringing parties to conflict to the negotiation table. For example, the Special Representative called on the leadership and facilitated the participation of religious leaders at various stages of the peace process in the Sudan. The Special Representative has also met with religious leaders and faith-based groups in the course of all field missions challenging them to advocate for children's concerns in peace processes and in the post-conflict setting. Internationally, the support of organizations such as the World Council of Churches, the Holy See and the Organization of the Islamic Conference has been enlisted to advance the protection agenda for war-affected children. The advocacy of the Special Representative led, for example, to a Papal injunction on the use of child soldiers, issued by the Vatican in 2001. The Special Representative has also participated in a number of international inter-faith conferences.

27. In 2000, recognizing the knowledge gaps that exist on the issue of war-affected children and the detrimental effect that such gaps have on effective programmatic intervention on behalf of children, the Special Representative proposed the establishment of a consortium of academic institutions and think tanks to engage in research on the issue of children and armed conflict. As a result, in

2002, the Research Consortium on Children and Armed Conflict was established under the auspices of the New York-based Social Science Research Council. The Research Consortium, which brings together 19 academic and research institutions, is engaged on a number of specific projects, such as data collection on children and armed conflict, research into changing trends in warfare that detrimentally impact children and traditional norms, values and practices that protect children in times of war and in post-conflict recovery.

28. Significant efforts have been made to encourage and provide opportunities for children and young people to contribute to the advancement of the agenda. This has included providing platforms for children to share their experiences and views directly with policy and decision-makers at the international level, such as the Security Council and the European Parliament, and to participate more directly in peace negotiation and in post-conflict reconstruction policymaking. The Special Representative also proposed the "Voice of Children", radio programming produced by and for children on issues of concern to them, which has been successfully piloted in Sierra Leone since 2002 under the auspices of the United Nations Mission in Sierra Leone (UNAMSIL) and with the technical support of the UNICEF country office. The project is now in the process of being handed over to local stakeholders. The Office of the Special Representative is advocating "Voice of Children" initiatives in Haiti, Liberia, Burundi, Côte d'Ivoire and the Democratic Republic of the Congo. In Sierra Leone, the Special Representative also advocated the active participation of children in the Truth and Reconciliation Commission. The Special Representative has also developed the "Global Peace Schools" initiative in collaboration with the Mohammad Ali Centre, which has linked primary and secondary schools, primarily in North America and Mexico, with schoolchildren in conflict zones. A central element of this initiative has been the development of lesson plans and curricula, based on a series of humanitarian novels, partially sponsored by the Office of the Special Representative, which deal with the wide range of experiences of children exposed to war.

G. Field missions

29. Field missions to situations of conflict, which work to assess and report first-hand on the situation of children, raise public and official awareness of their plight, obtain concrete commitments from parties to conflict, promote local initiatives and capacity-building and support the work of United Nations country teams and NGOs on the ground, have been a cornerstone of the advocacy of the Special Representative.

30. Close collaboration with United Nations entities and NGOs in the field and at Headquarters and with national Governments continues to be the basis of all field missions of the Special Representative. These consultations shape the agenda and programme for each visit, which are intended to assist entities working in the child protection field to advance the agenda for children on the ground. The Office of the Special Representative has developed a manual for the conduct of field missions.

31. As a matter of established procedure, field missions begin with a discussion and briefing by the United Nations country team or peacekeeping mission and conclude with a comprehensive review of the visit and its outcome with the United Nations field team. Following the collective review at the end of a visit, it is the

responsibility of the head of the United Nations field team to assign responsibility for specific follow-up activities to particular United Nations agencies. The field visits are followed by various contacts and démarches, as well as follow-up missions by the staff of the Office of the Special Representative. For example, following their joint visit to Sierra Leone in 1999, the Special Representative and the Minister for Foreign Affairs of Canada proposed the establishment of the National Commission for War-Affected Children, as part of the agenda for action for war-affected children in Sierra Leone. In subsequent follow-up visits, the Office of the Special Representative worked with the Government of Sierra Leone, UNICEF and NGOs to develop the terms of reference of the Commission. The Special Representative also worked with the donor community to secure its commitment. The Commission was formally established in 2001, with funding from both the Highly Indebted Poor Countries Initiative of the World Bank and the Government of Canada, to undertake advocacy and build programmes on behalf of the children affected by the war.

32. The agendas for action that have been articulated by the Special Representative in the context of his field visits cover the critical child protection issues in a given situation of concern and form the basis for the sustained and concerted advocacy of the Office of the Special Representative in the aftermath of the visits. The agendas contain country-specific recommendations addressed to national authorities, United Nations entities, NGOs and the donor and diplomatic community. For example, the agenda for children in Afghanistan, developed jointly with the UNICEF country office following the Special Representative's visit in 2002, outlines areas for priority action and focus, such as education, special needs of internally displaced populations, the girl child, the disarmament, demobilization and reintegration of child soldiers, mines and unexploded ordnance, strengthening of child protection capacity, child rights training for peacekeepers, local child protection values, civil society capacity-building, judicial and administrative reform and the involvement of children in truth and justice-seeking processes.

33. Obtaining commitments is one component of a broader agenda for country visits. Special country representatives of the Secretary-General or resident coordinators, as the heads of the United Nations field presence, are responsible for following up on commitments and other aspects of the agenda at the country-level. At the same time, it must be emphasized that the Office of the Special Representative has neither the capacity, the field presence nor the resources to undertake monitoring of commitments and standards on the ground and that such activity is not within the mandate of the Special Representative. The value added of the Special Representative consists of engaging in political and humanitarian diplomacy to highlight norms, obtain commitments, articulate agendas for action and channel information to appropriate "destinations for action" through the preparation of reports to the General Assembly, the Commission on Human Rights and the Security Council.

34. To date, 26 field visits have been conducted by the Special Representative to: Afghanistan, Albania, Angola, Burundi, Colombia, the Democratic Republic of the Congo, Ethiopia, Eritrea, Guatemala, Guinea, Kenya, Kosovo, Liberia, Mozambique, Northern Ireland, the former Yugoslav Republic of Macedonia, the Russian Federation (including Chechnya), Rwanda, Sierra Leone, Sri Lanka and the Sudan. A number of situations were visited more than once to follow up on initiatives from previous missions. An equal number of field missions have been

conducted by programme officers. The Office of the Special Representative has remained actively engaged in several other situations where visits have not taken place, including Myanmar, the Occupied Palestinian territories, Nepal, Iraq, Indonesia (Aceh) and northern Uganda.

II. Integrating the protection of children affected by war into the agendas and programmes of regional and other international organizations

35. The Special Representative has devoted particular attention to advocacy with Member States, regional organizations and groupings, encouraging them to incorporate the concerns of children affected by armed conflict more systematically into their agendas, policies and programmes, including in the area of post-conflict reconstruction and rehabilitation. The challenge has been met by a number of intergovernmental institutions such as the African Union, bodies of the European Union, ECOWAS and the Human Security Network.

36. Engagement with the European Union has been concentrated on developing initiatives in collaboration with four main bodies: the Council of Ministers, the European Commission, the European Parliament and the African, Caribbean and Pacific-European Union framework of cooperation. This engagement has yielded tangible results, including the adoption by the General Affairs Council of the European Union "Guidelines on Children Affected by Armed Conflict" in December 2003. In addition, the European Commission is now funding projects specifically for the benefit of war-affected children, and its Humanitarian Aid Office has provided a grant to the Research Consortium on Children and Armed Conflict.

37. Following a proposal by the Special Representative for a "neighbourhood initiative" on children and armed conflict in West Africa, the Ministers for Foreign Affairs of Canada and Ghana, together with the Special Representative and the Executive Secretary of ECOWAS, convened a conference of ECOWAS foreign and defence ministers in Accra, in April 2000. Two important documents were adopted, the *Accra Declaration* and the *Plan of Action on War-Affected Children in West Africa*, containing strong commitments in regard to children. The efforts of the Special Representative have also led to the establishment of a Child Protection Unit within the ECOWAS secretariat, and ECOWAS member States have established a children and armed conflict peer review mechanism to monitor progress in the implementation of the plan of action.

38. At the ministerial meeting of the Human Security Network in Jordan in 2001, the Special Representative proposed that the Network devote special attention to children and armed conflict. Under the subsequent presidency of Austria, the issue of war-affected children was adopted as a priority issue, leading to several concrete initiatives, including the joint publication and dissemination by the Foreign Ministry of Austria and the Office of the Special Representative of a compendium of norms and standards for the protection of children affected by armed conflict.

IV. Mainstreaming of children affected by armed conflict within the United Nations system*

39. Mainstreaming of the concerns of children in the United Nations system entities and in system-wide activities is a key element in the institution of an "era of application" of international norms and standards for the protection of children in conflict settings. In the past several years, the United Nations system has made considerable progress in mainstreaming the issue of children and armed conflict. This includes the integration of children's issues into relevant thematic activities across the United Nations system. In this regard, the Special Representative has specifically proposed, developed and convened several task forces and working groups on children and armed conflict issues. The initiatives of these task forces and working groups reflect significant and broad collaboration among United Nations entities and NGOs and highlight the important leadership and convening role of the Special Representative.

40. The Task Force on Children and Armed Conflict, which has been convened by the Special Representative since 2001, bringing together relevant United Nations entities to work on issues relating to children affected by armed conflict, is an important vehicle for deeper and more fundamental mainstreaming of the concerns of war-affected children in the United Nations system. The membership of the Task Force on Children and Armed Conflict includes UNICEF, the Department of Peacekeeping Operations, the Department of Political Affairs, the Office of Legal Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office for the Coordination of Humanitarian Affairs, the United Nations Development Fund for Women, the Department for Disarmament Affairs, the Office of the Special Adviser on Africa, the Office of the Special Adviser on Gender Issues and Advancement of Women, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the International Labour Organization (ILO). Initially, the Task Force also included key child protection NGOs. However, beginning in 2004, the Office of the Special Representative consults with and seeks inputs of NGOs separately, while convening, as appropriate, joint consultations of the Task Force and NGOs.

41. Other task forces and working groups proposed, developed and convened by the Special Representative include:

- Steering committee on Children and Justice for the International Criminal Court, formed to lobby participants in the Preparatory Commission for the International Criminal Court about children's issues. As a result of this initiative, the Rules of Evidence and Procedure of the International Criminal Court include several important provisions designed to protect children.
- Working group on child protection training for peacekeeping personnel. Set up in 2001, this working group (consisting of the Office of the Special Representative of the Secretary-General, UNICEF, the Department of Peacekeeping Operations and Save the Children) completed a draft of training materials, which are now ready for launch and dissemination in the system.

* See also the 2004 report of the Special Representative of the Secretary-General on Children and Armed Conflict (A/59/426), concerned exclusively with the issue of mainstreaming of children affected by armed conflict within the United Nations system.

- Working group on the incorporation of child protection in United Nations peacemaking, peacekeeping and peacebuilding processes. With the Office of the Special Representative of the Secretary-General, the Department of Peacekeeping Operations, UNICEF and the Department of Political Affairs as the core participants, this working group, which was established in 2001, has drafted three sets of guidance materials, one each on peacemaking, peacebuilding and peacekeeping. The materials are ready to be launched for use by stakeholders.

- Working group on selection and deployment of child protection advisers in peace missions. The Office of the Special Representative of the Secretary-General, the Department of Peacekeeping Operations and UNICEF jointly maintain a roster of possible candidates for child protection advisers. The Office of the Special Representative of the Secretary-General and UNICEF provide technical evaluations to the Department of Peacekeeping Operations for short-listed candidates to be deployed in peace missions.

- Informal working group on transitional justice in Sierra Leone (composed of the Office of the Special Representative of the Secretary-General, the Office of Legal Affairs, UNICEF, OHCHR, NGOs and UNAMSIL). This informal working group produced guidelines concerning the protection and participation of children in the Special Court for Sierra Leone and the Truth and Reconciliation Commission.

- Informal advisory group on children and armed conflict (1998-2001). This advisory group worked to coordinate children and armed conflict issues in general. At the proposal of the Special Representative of the Secretary-General, the group set up several task forces on: post-conflict response; neighbourhood initiatives; building local capacity for advocacy; the impact of sanctions on children; incorporating standards into United Nations operations; and follow-up on Security Council resolutions.

42. The Special Representative also participates regularly as a member in the key United Nations policymaking bodies, such as the Senior Management Group, the Executive Committee on Peace and Security and the Executive Committee on Humanitarian Affairs, where he has raised policy considerations relating to children and armed conflict directly with senior managers.

43. The Office of the Special Representative also participates in working groups and task forces convened within the United Nations system, including: the Executive Committee on Humanitarian Affairs Implementation Group on the Protection of Civilians, the Working Group on Transition Issues of the United Nations Development Group, the Executive Committee on Humanitarian Affairs, the Working Group/Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse, the Executive Committee on Peace and Security Working Group on Justice and the Rule of Law, the Resource group on the prevention of conflict, convened by the Department of Political Affairs, and the Coordinated Action on Small Arms Mechanism, convened by the Department for Disarmament Affairs.

44. The Office of the Special Representative also participates regularly in a number of country-specific task forces (Afghanistan, Côte d'Ivoire, Liberia, the Sudan, Burundi and Haiti) convened by the Department of Political Affairs and the Department of Peacekeeping Operations to plan and execute United Nations

political and peacekeeping missions. In these forums, the Office of the Special Representative has advocated the inclusion of children's concerns in peacemaking processes, the implementation of disarmament, demobilization and reintegration programmes for children, and the inclusion of child protection expertise in assessment missions and of child protection advisers in peacekeeping operations.

45. Important United Nations entities, particularly UNICEF, UNHCR, OHCHR, the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, have undertaken a number of initiatives to integrate children affected by armed conflict into their policies and programmes. The initiatives, which have also yielded significant gains, have begun to take hold at policy and operational levels within these institutions. There is now a need to consolidate and institutionalize these gains. It is evident that the efforts on the issue of children and armed conflict among important United Nations entities remain uneven and that the concerns of war-affected children need to be integrated more explicitly and systematically in their respective domains.

46. There are also some gaps in the United Nations system response that must be addressed. These include the need for more systematic integration of the concerns of war-affected children into key United Nations-led institutional processes such as the Consolidated Appeal Process, poverty reduction strategy papers and the common country assessment/United Nations Development Assistance Framework process.

47. As recommended in the report of the Secretary-General on a comprehensive assessment of the United Nations system response to children affected by armed conflict (A/59/331), the United Nations system needs to improve its response through continued, vigorous advocacy for children affected by armed conflict, establishment of an effective and credible monitoring and reporting system on child rights violations (as adopted by Security Council resolution 1612 (2005)), enhanced mainstreaming of issues relating to children and armed conflict across the United Nations system, and improved coordination on this issue.

V. The "era of application" campaign: from commitments to action on the ground

48. In his most recent annual report on children and armed conflict, submitted in February 2005 (A/59/695-S/2005/72), the Secretary-General proposed the establishment of a compliance regime to ensure an "era of application" of international norms and standards for the protection of the rights of war-affected children. There are four critical elements of the compliance regime:

(a) Review of the conduct of parties to conflict, resulting in the systematic naming and listing of offending parties for grave child rights violations;

(b) Initiation of dialogue with parties to conflict leading to the development and implementation of action plans to halt grave child rights violations;

(c) Establishment of a monitoring and reporting mechanism to provide systematic and reliable information on violations and compliance, as a basis for action;

(d) Ensuring accountability through action by key policy and decision-making bodies.

A. Systematic naming and listing of offending parties and compliance review

49. In 2001, the Security Council endorsed the proposal to monitor and list parties to conflict that recruit and use children in situations of armed conflict. Since then, the annual report of the Secretary-General on children and armed conflict has included specific information on grave child rights violations as well as monitoring lists annexed to the report that explicitly name offending parties. The listing exercise has evolved progressively since 2001, culminating in a comprehensive package in this year's report of the Secretary-General, which lists parties in all situations of concern where the United Nations system has been able to obtain and verify information on recruitment or use of child soldiers, as well as describing other grave child rights violations that have been committed by the listed parties.

50. The purpose of creating lists of offending parties has been, above all, to ensure accountability of those parties. Monitoring lists provide the legitimate basis for national and international actors to take action against identified offending parties. Monitoring lists are also the basis for those parties to enter into dialogue and develop action plans to end abuses. Monitoring lists, in combination with the credible threat of action by entities that have the capacity and means to follow them through, can serve as a powerful deterrent on offending parties.

B. Dialogue and action plans to end grave child rights violations

51. It is crucial to engage in protection dialogue with all parties, whether Governments or insurgencies, whose actions have a significant impact on children without any implications as to their political or legal status. Therefore, the engagement in dialogue with an insurgency group does not confer legitimacy or a particular legal status on that group. The only purpose for such dialogue is to ensure protection for and access to vulnerable children. Such dialogue must be conducted in full transparency and with the knowledge and cooperation of national Governments.

52. Over the past several years, the Special Representative and UNICEF have established the systematic practice of engaging in dialogue with offending parties. The objective of such dialogue has been to elicit from these parties firm commitments, such as refraining from recruiting and using children as soldiers, releasing abducted children, observing humanitarian ceasefires to facilitate feeding and immunization and allowing access for humanitarian relief and protection of displaced populations.

53. Dialogue should lead to the development and implementation by parties to conflict of concrete and time-bound action plans to halt abuses against children. United Nations field teams bear the primary responsibility for entering into child protection dialogue, pressuring parties to developing and implementing action plans, periodically reviewing compliance by the parties and to reporting to the Secretary-General.

54. In practical terms, the realization of dialogue and action plans has proved challenging and uneven for several reasons, including confusion about the specific requirements of dialogue and action plans, the absence of a functioning monitoring and reporting mechanism at the country level, security problems, lack of access and

non-cooperation of parties. It is anticipated that the implementation of the monitoring and reporting mechanism specified by the Secretary-General will ease the process. However, the mechanism will not necessarily eliminate some of the political and security constraints, which will continue to be addressed through the appropriate political démarches and channels.

C. Establishment of a monitoring and reporting mechanism

55. Security Council resolution 1612 (2005) requests the phased implementation, without delay and in close consultation with national Governments, of the Secretary-General's monitoring and reporting mechanism, as detailed in the most recent report on children and armed conflict (A/59/695-S/2005/72). The action plan for the establishment and implementation of the mechanism is the product of extensive consultations within the United Nations system, as well as with national Governments, NGOs, regional organizations and civil society in conflict-affected countries, since 2001.

56. The objective of the action plan is to systematize and organize more effectively the existing monitoring and reporting practice, which has been the basis of information-gathering for the annual report of the Secretary-General for several years. It is anticipated that the implementation of the monitoring and reporting mechanism will ease the reporting process and provide for more systematic gathering of objective, specific, timely and reliable information on grave child rights violations in situations of armed conflict. It is important to stress that no new entity will be established for monitoring and reporting, since the mechanism is designed to draw on, coordinate and streamline existing resources at the national and international levels.

57. The mechanism will operate at three principal levels: information-gathering, coordination, action and preparation of reports at the country level; coordination, scrutiny and integration of information and preparation of reports at the Headquarters level; and concrete actions to ensure compliance, to be taken particularly by bodies that constitute "destinations for action", including national Governments, regional and international organizations, the Security Council, the General Assembly, the Commission on Human Rights and the International Criminal Court.

D. Role of Member States and the General Assembly in ensuring the "era of application"

58. Since the adoption of the Convention on the Rights of the Child, the General Assembly has played a key role in shaping and advancing the agenda for the protection of the rights of war-affected children. In 1993, following a recommendation by the Committee on the Rights of the Child, the Assembly adopted a resolution recommending that the Secretary-General appoint an independent expert to study the impact of armed conflict on children. In 1996, in response to the Graca Machel report on the impact of armed conflict on children, the Assembly recommended that the Secretary-General appoint, for a period of three years, a Special Representative for Children and Armed Conflict. In addition, since 1993, the General Assembly has addressed the issue of war-affected children as an

aspect of the omnibus resolution on the rights of the child, calling on Member States, among others, to end the violation of the rights of children in armed conflicts, and to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Assembly has also urged States to take special measures for the protection of war-affected girls in a resolution devoted to the girl child.

59. Member States and the General Assembly continue to bear an important responsibility in ensuring the "era of application" of international instruments and norms for the protection of the rights of children through concrete measures. The regular annual session of the Assembly provides an important opportunity for this body to review the monitoring and compliance reports and to take appropriate action within its mandate. In this regard, it should be noted that the annual report of the Secretary-General on children and armed conflict is submitted simultaneously to the Security Council and the General Assembly.

60. Member States bear a central and immediate political and legal responsibility for providing effective protection and relief to children within their territories. In this regard, Member States constitute the first destination for action and the first line of response, ultimately playing the key role in ensuring an "era of application" of international standards and norms for the protection of their children. Any action by United Nations entities and other international partners at the country level should always be designed to support and complement the protection and rehabilitation roles of national authorities and actors. In situations where national protection institutions, such as child protection ministries or agencies, the judiciary and the police, have been weakened by the experience of protracted armed conflict, international partners should make it a priority to support the rebuilding of local institutions and capacities for protection and rehabilitation.

VI. Continued advocacy role and priorities of the Office of the Special Representative

61. The work of the Special Representative must be viewed and understood in the context of a division of labour between advocacy and operational actors, between the Office of the Special Representative and UNICEF and between the Office of the Special Representative and United Nations field teams. It should be emphasized that the Special Representative does not conduct operational activities or programme development on the ground and that such responsibility rests with United Nations entities such as UNICEF, UNHCR and the Department of Peacekeeping Operations, as well as with operational NGOs, whose mandates, field presence, experience and capacities enable them to undertake this role. The Special Representative articulates ideas and proposes initiatives that are implemented by appropriate operational actors. The Special Representative serves as a resource for these operational actors. Thus, the aim of the Special Representative is to build a coalition of support at the global, regional and national levels for the operational work of partner agencies in taking forward the agenda of war-affected children. In order for the agenda to advance, it is critical that an effective division of labour and complementarity of the roles of the key United Nations actors, NGOs and national Governments be assured.

62. Concerted, targeted and sustained advocacy for the "era of application" of international norms and standards for the protection of the rights of war-affected

children continues to represent the central focus of the advocacy agenda of the Office of the Special Representative. In this regard, the Special Representative will continue to: build awareness of the special needs of war-affected children and propose ideas and approaches to enhance their protection and well-being; serve as a convener, bringing together key actors within and outside the United Nations to promote more concerted and effective responses; undertake humanitarian and diplomatic initiatives to unblock difficult political situations; and assess progress achieved and difficulties encountered in strengthening the protection of war-affected children.

63. As recommended in the report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict (A/59/331), there is a continued need for the role of the Special Representative as an independent advocate reporting directly to the Secretary-General. The Special Representative will develop clear terms of reference, taking into account the recommendations contained in the report.

VII. Conclusion

64. Collaborative efforts deployed over the past several years have created the present strong momentum for the protection of war-affected children. Ensuring the "era of application" of international standards and norms for the protection of the rights of children in situations of armed conflict will require higher levels of commitment and effort by United Nations and non-United Nations entities. Such commitment is required to redirect the energies of the international community from elaborating norms to enforcing their application on the ground.

65. The redirection of energies will require sustained and concerted advocacy and pressure on behalf of children affected by armed conflict. The particular effectiveness of public advocacy and media outreach will be a critical determining factor, which must be complemented by the strong, purposive and effective collaboration within the United Nations system and among regional organizations, national Governments, international and local NGOs and civil society in conflict-affected countries.

66. Ultimately, the continued commitment of all relevant entities and actors is required if the issue of children affected by armed conflict is to emerge as a consistent cross-cutting issue in policies and programmes. Mainstreaming of the issue of war-affected children will ensure that their concerns are automatically taken up and integrated in all situations of concern. Translation of these goals into reality and practice requires the commitment of the leaders of the key entities, together with mobilization and allocation of necessary financial and human resources as a matter of priority.

67. At the international level, the General Assembly, the Security Council, the United Nations human rights regime, the International Criminal Court, regional organizations and national Governments, acting within their respective roles, mandates and jurisdictions, should undertake concrete action. It is the concerted response by these key "destinations for action" that will create a critical mass that can ensure an effective compliance regime leading to the safeguarding of children on the ground. Today, as never before, we have the necessary norms, institutions and means to realize the "era of application" for children affected by armed conflict.

VIII. Recommendations

68. **In the light of the information presented above, the Special Representative of the Secretary-General recommends that:**

(a) **The General Assembly should consider introducing a separate resolution on children and armed conflict under the agenda item *Promotion and protection of the rights of children* in order to ensure a sustained focus on this issue;**

(b) **All Member States should ensure that the rights, protection and well-being of children affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes and that children and armed conflict concerns are systematically included in the mandates of all peacekeeping operations in all situations where children have been seriously affected by armed conflict;**

(c) **Member States and United Nations entities that lead key institutional processes, particularly the Consolidated Appeals Process, the poverty reduction strategy papers, and the common country assessment/United Nations Development Assistance Framework processes, should ensure that children and armed conflict concerns are systematically and explicitly integrated into these frameworks;**

(d) **United Nations entities, Member States and other members of the international donor community should ensure adequate support for the development and strengthening of capacities of national and regional institutions and local civil society networks to ensure the sustainability of local initiatives for advocacy, protection and rehabilitation of children affected by armed conflict;**

(e) **Member States, acting through regional and subregional organizations and arrangements, as well as relevant international financial institutions, should ensure that the concerns of war-affected children are prioritized in their advocacy, policies and programmes, particularly in the context of post-conflict recovery and development;**

(f) **All Member States, particularly while considering subregional and cross-border activities, should develop mechanisms and instruments to address cross-border abduction and recruitment of children, as well as other cross-border activities that have an adverse effect on children, such as illicit trade in natural resources, small arms and light weapons;**

(g) **All relevant United Nations entities should take specific measures to ensure the systematic mainstreaming of children and armed conflict issues within their respective institutions and should also undertake periodic assessments of the progress made in such mainstreaming efforts.**